

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 10-10439 - WGY
)	
JAMES RONALD BEATY, A/K/A,)	
JAMES RONALD BEATTY)	
Defendant.)	

FINAL ORDER OF FORFEITURE

Y. J. J., D.J.

WHEREAS, on December 20, 2010, the United States Attorney for the District of Massachusetts filed a two-count Information charging defendant James Ronald Beaty a/k/a James Ronald Beatty (the "Defendant"), with Conspiracy to Commit Access Device Fraud, in violation of 18 U.S.C. § 1029(b)(2) (Count One), and Aggravated Identity Theft, in violation of 18 U.S.C. § 1028A(a)(1) (Count Two);

WHEREAS, the Information also contained a forfeiture allegation, pursuant to 18 U.S.C. §§ 982(a)(2)(B) and 1029(c)(1)(C), which provided notice that the United States sought the forfeiture, upon conviction of the Defendant of any offense in violation of 18 U.S.C. § 1029, of any property constituting, or derived from, proceeds obtained directly or indirectly, as a result of the offense, pursuant to 18 U.S.C. § 982(a)(2)(B), and any personal property used or intended to be used to commit the offense pursuant to 18 U.S.C. § 1029(c)(1)(C), including but not limited to, any and all items seized by or turned over to members of the Auburn, Maine Police Department on or about October 7, 2010;

WHEREAS, on or about October 7, 2010, the Auburn, Maine Police Department seized the following items:

- (a) three (3) JC Penny Gift Cards, with a total value of \$900;
- (b) two (2) TJ Maxx/Marshalls gift cards, with a total value of \$400;
- (c) two (2) Kiwi Select Sport Shoe Cleaners;
- (d) three (3) Apple 64GB iPads, bearing serial numbers GB039ZGJETV, V50390SQETV and V50396C3ETV;
- (e) one (1) HP Mini 210 Notebook Computer, bearing serial number CNF0347CCN;
- (f) one (1) pair of Cole Haan Nicole Air Boots (size 10);
- (g) one (1) black/brown reversible Perry Ellis Belt;
- (h) nineteen (19) Best Buy Gift Cards, with a total value of \$950;
- (i) one (1) Dewalt 12" sliding compound saw;
- (j) one (1) Lincoln electric weld pak 140 HD;
- (k) three (3) Dewalt 18V XRP 5 tool combo kits; and
- (l) one (1) Pegasus brushed nickle antique faucet.

(collectively, the "Properties");

WHEREAS, the Information further provided that, if any of the above-described forfeitable property, as a result of any act or omission by the Defendant, (a) cannot be located upon the exercise of due diligence; (b) has been transferred or sold to, or deposited with, a third party; (c) has been placed beyond the jurisdiction of the Court; (d) has been substantially diminished in value; or (e) has been commingled with other property which cannot be divided without difficulty, the United States is entitled to seek forfeiture of any other property of the Defendant, up to the value of such assets, pursuant to 18 U.S.C. §§ 982(b)(1) and 1029(c)(2), incorporating 21 U.S.C. § 853(p);

WHEREAS, on February 8, 2011, at a hearing pursuant to Rule 11 of the Federal Rules of Criminal Procedure, the Defendant pled guilty to Counts One through Two of the Information, pursuant to a written plea agreement that he signed on December 14, 2010;

WHEREAS, in Section 10 of the plea agreement, the Defendant admitted that the Properties are subject to forfeiture because they constitute, or are derived from, proceeds obtained directly or indirectly, as the result of the offense, or was used or intended to be used to commit the offense;

WHEREAS, on June 21, 2011, this court issued a Preliminary Order of Forfeiture against the Properties, pursuant to 18 U.S.C. § 2253 and Rule 32.2(b)(2) of the Federal Rules of Criminal Procedure;

WHEREAS, notice of the Preliminary Order of Forfeiture was sent to all interested parties and published on the government website www.forfeiture.gov for thirty (30) consecutive calendar days, beginning on June 28, 2011 and ending on July 27, 2011; and

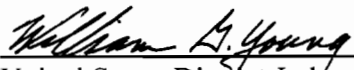
WHEREAS, no claims of interest in the Properties have been filed with the Court or served on the United States Attorney's Office, and the time within which to do so has expired.

ACCORDINGLY, it is hereby ORDERED, ADJUDGED, and DECREED that:

1. The United States' Motion for a Final Order of Forfeiture is allowed.
2. The United States of America is now entitled to the forfeiture of all right, title and interest in the Properties, and they are hereby forfeited to the United States of America pursuant to 18 U.S.C. §§ 982(a)(2)(B), 1029(c)(1)(C) and Rule 32.2(c) of the Federal Rules of Criminal Procedure.
3. All other parties having any right, title or interest in the Properties are hereby held

in default.

4. The United States is hereby authorized to dispose of the Properties in accordance with applicable law.


United States District Judge

Dated: October 19, 2011